IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 699 of 2005 (S/S)

Smt. Laxmi
W/o Sri Prem Shanker
R/o Lane No. 8, Om Vihar
Mata Mandir Marg,
Dehradun ……Petitioner

Versus

1. State of Uttaranchal through Secretary Education, Dehradun

2. Additional Director of Education, Uttaranchal, Dehradun

3. Joint Director of Education, Dehradun

4. District Education Officer, Dehradun …..Respondents

Sri Vinod Nautiyal, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Standing Counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, the petitioner has sought a direction in the nature of certiorari quashing the order dated 04.06.2005 (Annexure- 1) passed by the respondent no. 2, i.e., Additional Director of Education, Uttaranchal, Dehradun.

Brief facts giving rise to this writ petition are that the petitioner is an Assistant Teacher L.T. grade and in the year 2004, she was posted at Government Girls Inter College, Paidul, District – Pauri Garhwal. The petitioner met with an accident and suffered serious injury on her person. Therefore, she was transferred from Government Girls Inter College, Paidul to Government Girls Inter College Rishikesh on humanitarian ground.

The petition further reveals that an application was submitted by the petitioner on 28.01.2005 to District Education Officer with a request that she may be attached with

the respondent no. 4 as she is unable to travel here and there for examination duty and District Education Officer, i.e., respondent no. 4 passed an order dated 11.02.2005 with a direction to the Principal Government Girls Inter College, Rishikesh for relieving the petitioner to the office of respondent no. 4 during the examination period. It reveals from the writ petition that a request was made by the petitioner to the authority concerned for transfer to Government Girls Inter College Lakhibagh, Dehradun as her treatment was still going on.

It has further been averred in the writ petition that the husband of the petitioner is posted in the Office of Additional District Education Officer (Basic), Dehradun on the post of Senior Clerk and as per the policy of the State Govt., the husband and wife should be posted in the same place and if it is not possible, then they may be posted in the same District.

The respondent no. 2 has passed an order dated 04.05.2005 that the petitioner who was posted and transferred at Govt. Girls Inter College, Rishikesh till further order is directed to join at her prior institution, i.e., Government Girls Inter College Paidul, Pauri Garhwal. This order shows that the petitioner was posted and transferred at Rishikesh at humanitarian ground till the education session June, 2005.

The petitioner has challenged the impugned order on the ground that she is still under treatment at Dehradun and this transfer order shall cause the irreparable loss and injury to her.

Heard learned counsel for the petitioner as well as learned Standing Counsel and perused the record.

In the facts and circumstances narrated above, I am of the view that the petitioner should file the representation before the respondents concerned for sympathetic consideration.

The writ petition is finally disposed of.

the petitioner is directed to move representation before the respondent no. 2 within 15 days who shall decide the same by speaking and reasoned order within a period of one month from the date the representation is presented before him.

(B.C. Kandpal, J.)

8th June, 2005
Shiv